

PCS for HB 219

2013

1 A bill to be entitled  
2 An act relating to professional sports; amending s.  
3 212.04, F.S.; exempting admission to Major League  
4 Soccer all-star games and National Basketball  
5 Association all-star week events from sales and use  
6 tax; amending s. 288.1162, F.S.; adding Major League  
7 Soccer to the meaning of the term "league"; providing  
8 that a previously certified applicant is not eligible  
9 for an additional certification under certain  
10 circumstances; requiring the Department of Economic  
11 Opportunity to reserve one new facility certification  
12 for a new Major League Soccer franchise; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraph (a) of subsection (2) of section  
18 212.04, Florida Statutes, is amended to read:

19 212.04 Admissions tax; rate, procedure, enforcement.—

20 (2)(a)1. No tax shall be levied on admissions to athletic  
21 or other events sponsored by elementary schools, junior high  
22 schools, middle schools, high schools, community colleges,  
23 public or private colleges and universities, deaf and blind  
24 schools, facilities of the youth services programs of the  
25 Department of Children and Family Services, and state  
26 correctional institutions when only student, faculty, or inmate  
27 talent is used. However, this exemption shall not apply to  
28 admission to athletic events sponsored by a state university,

29 | and the proceeds of the tax collected on such admissions shall  
30 | be retained and used by each institution to support women's  
31 | athletics as provided in s. 1006.71(2)(c).

32 |       2.a. No tax shall be levied on dues, membership fees, and  
33 | admission charges imposed by not-for-profit sponsoring  
34 | organizations. To receive this exemption, the sponsoring  
35 | organization must qualify as a not-for-profit entity under the  
36 | provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,  
37 | as amended.

38 |       b. No tax shall be levied on admission charges to an event  
39 | sponsored by a governmental entity, sports authority, or sports  
40 | commission when held in a convention hall, exhibition hall,  
41 | auditorium, stadium, theater, arena, civic center, performing  
42 | arts center, or publicly owned recreational facility and when  
43 | 100 percent of the risk of success or failure lies with the  
44 | sponsor of the event and 100 percent of the funds at risk for  
45 | the event belong to the sponsor, and student or faculty talent  
46 | is not exclusively used. As used in this sub-subparagraph, the  
47 | terms "sports authority" and "sports commission" mean a  
48 | nonprofit organization that is exempt from federal income tax  
49 | under s. 501(c)(3) of the Internal Revenue Code and that  
50 | contracts with a county or municipal government for the purpose  
51 | of promoting and attracting sports-tourism events to the  
52 | community with which it contracts.

53 |       3. No tax shall be levied on an admission paid by a  
54 | student, or on the student's behalf, to any required place of  
55 | sport or recreation if the student's participation in the sport  
56 | or recreational activity is required as a part of a program or

57 activity sponsored by, and under the jurisdiction of, the  
58 student's educational institution, provided his or her  
59 attendance is as a participant and not as a spectator.

60 4. No tax shall be levied on admissions to the National  
61 Football League championship game or Pro Bowl; on admissions to  
62 any semifinal game or championship game of a national collegiate  
63 tournament; on admissions to a Major League Baseball, Major  
64 League Soccer, National Basketball Association, or National  
65 Hockey League all-star game; on admissions to the Major League  
66 Baseball Home Run Derby held before the Major League Baseball  
67 All-Star Game; or on admissions to the National Basketball  
68 Association All-Star week events, produced by the National  
69 Basketball Association, which are held at an arena, convention  
70 center, or municipal facility ~~Rookie Challenge, Celebrity Game,~~  
71 ~~3-Point Shooting Contest, or Slam Dunk Challenge.~~

72 5. A participation fee or sponsorship fee imposed by a  
73 governmental entity as described in s. 212.08(6) for an athletic  
74 or recreational program is exempt when the governmental entity  
75 by itself, or in conjunction with an organization exempt under  
76 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,  
77 sponsors, administers, plans, supervises, directs, and controls  
78 the athletic or recreational program.

79 6. Also exempt from the tax imposed by this section to the  
80 extent provided in this subparagraph are admissions to live  
81 theater, live opera, or live ballet productions in this state  
82 which are sponsored by an organization that has received a  
83 determination from the Internal Revenue Service that the  
84 organization is exempt from federal income tax under s.

85 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
86 the organization actively participates in planning and  
87 conducting the event, is responsible for the safety and success  
88 of the event, is organized for the purpose of sponsoring live  
89 theater, live opera, or live ballet productions in this state,  
90 has more than 10,000 subscribing members and has among the  
91 stated purposes in its charter the promotion of arts education  
92 in the communities which it serves, and will receive at least 20  
93 percent of the net profits, if any, of the events which the  
94 organization sponsors and will bear the risk of at least 20  
95 percent of the losses, if any, from the events which it sponsors  
96 if the organization employs other persons as agents to provide  
97 services in connection with a sponsored event. Prior to March 1  
98 of each year, such organization may apply to the department for  
99 a certificate of exemption for admissions to such events  
100 sponsored in this state by the organization during the  
101 immediately following state fiscal year. The application shall  
102 state the total dollar amount of admissions receipts collected  
103 by the organization or its agents from such events in this state  
104 sponsored by the organization or its agents in the year  
105 immediately preceding the year in which the organization applies  
106 for the exemption. Such organization shall receive the exemption  
107 only to the extent of \$1.5 million multiplied by the ratio that  
108 such receipts bear to the total of such receipts of all  
109 organizations applying for the exemption in such year; however,  
110 in no event shall such exemption granted to any organization  
111 exceed 6 percent of such admissions receipts collected by the  
112 organization or its agents in the year immediately preceding the

113 | year in which the organization applies for the exemption. Each  
 114 | organization receiving the exemption shall report each month to  
 115 | the department the total admissions receipts collected from such  
 116 | events sponsored by the organization during the preceding month  
 117 | and shall remit to the department an amount equal to 6 percent  
 118 | of such receipts reduced by any amount remaining under the  
 119 | exemption. Tickets for such events sold by such organizations  
 120 | shall not reflect the tax otherwise imposed under this section.

121 |         7. Also exempt from the tax imposed by this section are  
 122 | entry fees for participation in freshwater fishing tournaments.

123 |         8. Also exempt from the tax imposed by this section are  
 124 | participation or entry fees charged to participants in a game,  
 125 | race, or other sport or recreational event if spectators are  
 126 | charged a taxable admission to such event.

127 |         9. No tax shall be levied on admissions to any postseason  
 128 | collegiate football game sanctioned by the National Collegiate  
 129 | Athletic Association.

130 |         Section 2. Paragraphs (c) and (h) of subsection (4) and  
 131 | subsection (6) of section 288.1162, Florida Statutes, are  
 132 | amended to read:

133 |         288.1162 Professional sports franchises; duties.—

134 |         (4) Before certifying an applicant as a facility for a new  
 135 | or retained professional sports franchise, the department must  
 136 | determine that:

137 |         (c) The applicant has a verified copy of the approval from  
 138 | the governing authority of the league in which the new  
 139 | professional sports franchise exists authorizing the location of  
 140 | the professional sports franchise in this state after April 1,

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141 1987, or in the case of a retained professional sports  
142 franchise, verified evidence that it has had a league-authorized  
143 location in this state on or before December 31, 1976. As used  
144 in this section, the term "league" means the National League or  
145 the American League of Major League Baseball, the National  
146 Basketball Association, the National Football League, Major  
147 League Soccer, or the National Hockey League.

148 (h) An applicant previously certified under any provision  
149 of this section who has received funding under such  
150 certification is not eligible for an additional certification  
151 for a franchise or facility that has already served as the basis  
152 for a previous certification.

153 (6) The department shall notify the Department of Revenue  
154 of any facility certified as a facility for a new or retained  
155 professional sports franchise. The department shall certify no  
156 more than nine ~~eight~~ facilities as facilities for a new  
157 professional sports franchise or as facilities for a retained  
158 professional sports franchise, including in the total any  
159 facilities certified by the former Department of Commerce before  
160 July 1, 1996. The department shall reserve one facility  
161 certification for a new professional sports franchise in Major  
162 League Soccer. The department may make no more than one  
163 certification for any facility.

164 Section 3. This act shall take effect July 1, 2013.